

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ANTHONY C. CATALANO, M.D.

Holder of License No. 17484
For the Practice of Medicine
In the State of Arizona.

Case No. MD-02-0611

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Anthony C. Catalano, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.


4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, although the Consent
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,
6 upon signing this agreement, and returning this document (or a copy thereof) to the
7 Board's Executive Director, Respondent may not revoke his acceptance of the Consent
8 Agreement and Order. Any modifications to this Consent Agreement and Order are
9 ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,
11 once approved and signed, shall constitute a public record document that may be publicly
12 disseminated as a formal action of the Board and will be reported to the National
13 Practitioner Data Bank and will be reported to the Arizona Medical Board's website.

14 7. If any part of the Consent Agreement and Order is later declared void or
15 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
16 and effect.

17  M.D.
18 Anthony C. Catalano, M.D.

DATED: 6/5/03

19
20
21 Timothy G. Kasperek
22 Attorney for Respondent
23 Approved as to Form

DATED: _____

24 FINDINGS OF FACT

25 1. The Board is the duly constituted authority for the regulation and control of
the practice of allopathic medicine in the State of Arizona.

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

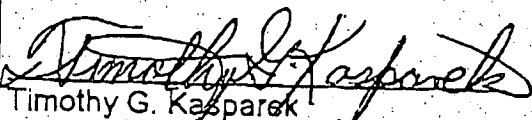
4 5. Respondent acknowledges and agrees that, although the Consent
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,
6 upon signing this agreement, and returning this document (or a copy thereof) to the
7 Board's Executive Director, Respondent may not revoke his acceptance of the Consent
8 Agreement and Order. Any modifications to this Consent Agreement and Order are
9 ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,
11 once approved and signed, shall constitute a public record document that may be publicly
12 disseminated as a formal action of the Board and will be reported to the National
13 Practitioner Data Bank and will be reported to the Arizona Medical Board's website.

14 7. If any part of the Consent Agreement and Order is later declared void or
15 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
16 and effect.

17
18 _____
Anthony C. Catalano, M.D.

DATED: _____

19
20 
Timothy G. Kasparek
21 Attorney for Respondent
Approved as to Form

DATED: June 5, 2003

22
23 FINDINGS OF FACT

24 1. The Board is the duly constituted authority for the regulation and control of
25 the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 17484 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-02-0611 after receiving notification of a malpractice settlement involving Respondent's care of patient J.R. ("J.R.").

4. Respondent first saw J.R. on November 11, 1999. Respondent's impression was right inguinal hernia. Respondent's plan was laparoscopic right inguinal herniorrhaphy with mesh and possible left inguinal herniorrhaphy with mesh. Respondent scheduled J.R. for surgery on November 23, 1999, as laparoscopic right inguinal hernia repair, possible left inguinal hernia.

5. J.R. was admitted to the hospital on November 23, 1999, for laparoscopic surgery to explore and repair right inguinal hernia, possible left inguinal hernia. The preoperative anesthesia progress note indicates that the planned surgery was right inguinal hernia repair. The pre-anesthesia evaluation record indicates that the proposed surgery was laparoscopic right inguinal hernia repair, possible left inguinal hernia.

6. Respondent explored J.R.'s abdomen laparoscopically. A small defect was seen and repaired on the left side. Respondent did not see and did not repair any herniation on the right side.

7. On February 16, 2000, J.R. underwent an open surgical procedure, performed by another surgeon, during which an inguinal hernia on the right side was repaired.

8. The standard of care required Respondent to repair the inguinal hernia on the right side during the November 23, 1999, laparoscopic procedure that was found and repaired during the February 16, 2000, open surgery.

9. Respondent's conduct was unreasonable in that, given the standard of care, Respondent should have performed surgery on J.R.'s right side.

10. J.R. suffered harm in that she had to undergo a second surgery to repair the right inguinal hernia.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(24)(q) - ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is hereby issued a Letter of Reprimand for failure to repair a right inguinal hernia as planned, necessitating a second surgical procedure.

2. This Order is the final disposition of case number MD-02-0611.

DATED AND EFFECTIVE this 11th day of June, 2003.

ARIZONA MEDICAL BOARD

By Barry A. Cassidy
BARRY A. CASSIDY, Ph.D., PA-C
Executive Director

ORIGINAL of the foregoing filed this 11th day of June, 2003 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed
2 this 11th day of June, 2003 to:

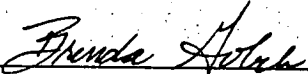
3 Timothy G. Kasperek
4 Sanders & Parks
5 3030 N. Third Street, Suite 1300
6 Phoenix, AZ 85012-3099
7 Attorney for Respondent

8 EXECUTED COPY of the foregoing mailed
9 by Certified Mail this 11th day of June, 2003 to:

10 Anthony C. Catalano, M.D.
11 42 Kingswood Drive
12 Selinsgrove, PA 17870-9107

13 EXECUTED COPY of the foregoing
14 hand-delivered this 11th day of
15 June, 2003 to:

16 Christine Cassetta, Assistant Attorney General
17 Sandra Waitt, Management Analyst
18 Investigations
19 c/o Arizona Medical Board
20 9545 E. Doubletree Ranch Road
21 Scottsdale, AZ 85258

22 
23 Board Operations
24
25